

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0053/RET 02.02.2015	Ms J Raynel Lylac Ridge Dan Y Graig Stables Dan Y Graig Road Risca Newport NP11 6DR	Retain the change of use from agricultural land to an educational based resource centre and retain the existing buildings on site Lylac Ridge Dan Y Graig Stables Dan Y Graig Road Risca Newport NP11 6DR

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is a field approximately 50 metres south of the A467. It is accessed from Dan y Graig Lane.

Site description: An almost rectangular field sloping towards the A467, with entrances at either end.

Development: Change of use to educational based resource centre with the retention of the existing buildings on site.

Dimensions: The field is approximately 0.71 hectare in size. Within it are a number of buildings of various sizes and shapes mainly aligned with the lane. Based on the measurements taken from the plan the total floor area of those buildings appears to be approximately 180 square metres.

Materials: Mainly timber structures with a metal container (to be clad with timber), a metal clad portable cabin, and a residential sized caravan. The buildings are interlinked with gravel tracks and earth pathways.

Ancillary development, e.g. parking: The proposal also involves the construction of a raised level parking area to the eastern corner of the sloping site adjacent to the existing site access, to accommodate six standard parking spaces, one disabled space and one large space measuring 6m x 3m.

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PLANNING HISTORY

2/10124 - Retain use of stables for food storage place - Refused 26.07.91.

2/10352 - Extend stables by one bay, to provide storage facilities for food/bedding - Granted 04.10.91.

2/11233 - Extend existing stables by adding storage facility so that temporary building can be pulled down and site cleared - Granted 14.04.93.

13/0702/RET - Retain the change of use from agricultural land to a farm based educational and activity centre, with the retention of the associated office, classroom, animal shelters and ancillary accommodation - Refused 15.07.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Agricultural land in countryside outside the defined settlement.

Policies:

CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints) and LE3 (Safeguarding of Country Parks).

NATIONAL POLICY None.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Rights Of Way Officer - Restricted Byway 41 and Footpath 106 must not be obstructed.

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Transportation Engineering Manager - No objection - subject to the imposition of a condition specifying the period within which the parking area is to be provided and requirement that it is available for the parking of vehicles at all times.

Head Of Public Protection - Requests conditions concerning potential contamination of the site, soil importation and the subsequent validation of any remedial works carried out.

Senior Engineer (Land Drainage) - Advises on the surface water and land drainage of the development and requests a comprehensive drainage scheme for consideration.

Dwr Cymru - The applicant is advised to contact NRW as a septic tank is being proposed.

Principal Valuer - No objection.

Natural Resources Wales - No objection.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and five neighbouring properties have been consulted.

Response: One response has been received.

Summary of observations:

1. It is suggested that the applicant has no legal control over the access to the land at the eastern end of the site and the use adversely impacts upon the access used by an extant dwelling because of the alleged obstruction of that access.
2. The location for the proposed use is inappropriate because the access lane is "narrow and tortuous". The increased traffic generated by the use has an adverse impact on highway safety and other highway users, especially pedestrians.
3. The proposal appears to block a Public Right of Way.
4. The appearance of the buildings in the sloping rural context is detrimental to the visual amenity of the area and harmful to the Special Landscape Area.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes, but it is not chargeable

ANALYSIS

Policies: CW2 (Amenity) the application site is sloping and is therefore visible to varying degrees from the opposite side of the valley and the properties located there. The closest dwelling is located approximately 75 metres away further up the hillside above the site, the direct views down onto the site are limited by the existence of hedgerows running down the side of the access road. It would be the case however, that the proposed raised parking area will be visible when looking downhill from this property (Min-Y-Coed). The application includes a proposal to construct a levelled parking area at the eastern end of the site adjacent to the site access, this will result in the formation of a plateau some four metres above the existing slope of the land and according to the plan, at the base of the retaining structure next to the access, it will measure 21 metres wide and taper to approximately 19.5 metres wide at the furthest point in the field. It will project into the field by some 14 metres. This will provide a useable area for parking vehicles of approximately 186 square metres, this will be set back from the edge of the raised area to facilitate the provision of planting. The area will be retained by a timber crib-lock wall structure, on top of which, but set back from the edge behind the planting, will be constructed a reinforced concrete retaining wall and metal railings.

Two of the structures located on the land are of significant size, they are not used to house animals feed or equipment; one is a standard steel clad portable cabin used in part for office purposes and the other is a residential caravan used as a staff rest room and mess facilities, both are painted dark green in colour. They are larger than the animal shelters on the site and because of their location and the colour that they are painted, they are prominent features on the land. From the lane to the south of the site most of the existing structures on the land are visible, because of the loss or removal of much of the original hedgerow adjacent to the highway, leaving isolated trees which have grown from the remnants of the hedge.

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The hedge has been replaced with a post and wire fence. The prominent location of the site on the hillside is mitigated during the growing season by the heavy tree growth to the north of the site therefore the visual intrusion into the open countryside is currently limited. The construction of the elevated parking area will exacerbate the existing situation, but it is considered that due to the heavy tree growth around the site on balance the proposal does not represent an unacceptable visual intrusion into the open countryside, on the Special Landscape Area.

CW3 (Design Considerations - Highways). The Transportation Engineering Manager has offered no objections to the use of the lane leading to the application site by traffic going to and from the premises.

CW15 (General Locational Constraints). Part C of Policy CW15 states that outside settlement boundaries proposals will not be permitted unless the proposed development is either: (amongst others)

- i Associated with either agriculture, forestry or the winning and working of minerals or
- ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
- iii For recreation, leisure and tourism proposals that are suitable in a countryside location.

The previous planning application submitted under reference number 13/0702/RET in respect of this site sought to "retain the change of use from agricultural land to a farm based educational and activity centre with the retention of the associated office, classroom, animal shelters and ancillary accommodation". In the officers report that dealt with that application it was considered that "whilst there is a general presumption in favour of directing development towards settlement boundaries an educational agricultural use such as is proposed would accord with part 'C' of this policy". The current application seeks planning permission for "Change of use from agricultural land to educational based resource centre and retention of existing buildings on site". It is stated in the accompanying design and access statement that the "Lylac Ridge's educational aim is to offer alternative opportunities, to children and young adults, and deliver structured learning and employability programmes. The result of these programmes will help participants achieve lifelong and employable skills and gain accreditations to help seek future employment.....Once on site small groups will engage with pre planned activities suitable for the current participants, of which include basis animal husbandry and care to the various animals on the farm. Employability skills include team building and interviewing techniques."

It is therefore considered that the use of the land for the purposes described in this application generally accord with the objectives of part C of Policy CW15 of the LDP.

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L.3 (Safeguarding of Country Parks) Policy LE.3 of the LDP refers to and identifies a Country Park that contributes to the Valleys Regional Park, in this instance the Sirhowy Valley Country Park. The purpose of this designation is to protect large scale but less formal facilities which provide a valuable resource for recreational and tourism activities within a rural setting; to recognise their contribution to the landscape and tourism attractions their boundaries are defined so that they may be protected from inappropriate development. The boundary of the Sirhowy Country Park is indicated on the proposals map that forms part of the LDP. That map suggests that included within the County Park is part of the application site from its eastern boundary up to the approximate line of the public footpath which crosses the site diagonally from the north eastern corner to the southern boundary. However it would appear that the limits of the Park should have been shown as ending at the field boundary of the application site, as this marks the extent of the land within the ownership of CCBC. Whilst the application site does not appear to directly affect land designated under Policy LE3, it does immediately abut such land and the public footpath access into the Sirhowy Country Park

Comments from Consultees: No objections have been received from statutory consultees and Risca West Community Council have noted the application.

Comments from public:

- It is suggested that the applicant has no legal control over the access to the land at the eastern end of the site and the use adversely impacts upon the access used by an extant dwelling because of the alleged obstruction of that access.
- The issue of land ownership would be a private legal matter between the parties concerned and does not represent a material planning consideration.
- The location for the proposed use is inappropriate because the access lane is "narrow and tortuous". The increased traffic generated by the use has an adverse impact on highway safety and other highway users, especially pedestrians.
- As stated above the Transportation Engineering Manager has raised no objections to the proposal subject to the imposition of a condition relating to the provision of the proposed parking area and its subsequent use.
- The proposal appears to block a Public Right of Way.

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- The Rights of Way Officer has been consulted on the proposal and his comments are as set out above. the obstruction of the Public Right of Way would be dealt with under the Highways Act.
- The appearance of the buildings in the sloping rural context is detrimental to the visual amenity of the area and harmful to the Special Landscape Area.
- As set out under the consideration of Policy CW2 (Amenity), it is not considered that the appearance of the site has an unacceptable impact on the visual amenity of the open countryside.

Other material considerations: - None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing Number: 3429/PA/001 Rev. A Ordnance Survey Plan dated Jan'15 and received on 20.01.2015.
Drawing Number: 3429/PA/002 Existing Site Plan dated Jan '15 and received on 20.01.2015.
Drawing Number: 3429/PA/003 Existing Elevations dated Jan '15 and received on 20.01.2015.
Drawing Number: 3429/PA/004 Rev. A Proposed Site Plan dated Jan'15 and received on 25.02.2015.
Drawing Number: 3429/PA/005 Existing and Proposed Storage Container dated Jan'15 and received on 20.01.2015.
Drawing Number: 3429/PA/006 Existing Site Sections dated Jan '15 and received on 20.01.2015.
Drawing Number; 3429/PA/007 Existing and Proposed Sections dated Jan'15 and received on 20.01.2015.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 03) Within two months of the date of this decision, details of hedgerow enhancement planting in respect of the site boundary to the highway, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to enhance the existing hedgerow, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the date of this decision.

REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

- 04) Notwithstanding the submitted plans, prior to the commencement of any works involving the construction of the retaining structure to the proposed parking area on site, full engineering details and structural calculations for the proposed retaining structure, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining structure additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.

REASON: To retain effective control over the development.

- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: To prevent contamination of the application site in the interests of public health.

- 06) Within one month of the date of this decision the alterations to the steel storage container shall be completed in accordance with the approved details.

REASON: In the interests of visual amenity.

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- 07) Within one month of the date of this consent, details of a scheme for the disposal of surface water and land drainage flows from the development hereby approved shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented within two months of the date those details are agreed.

REASON: To ensure the development is served by an appropriate means of drainage.

- 08) The parking area indicated on the approved plan and referred to in Condition 04) above shall be provided within twelve months of the date of this decision and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.

REASON: In the interests of highway safety.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW15.

